

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SLOAN P. STANLEY,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

CASE NO. 3:20-cv-05399-JCC-JRC

ORDER GRANTING REQUEST
FOR OVERLENGTH BRIEFING
AND DENYING REQUEST FOR
EXTENSION OF TIME

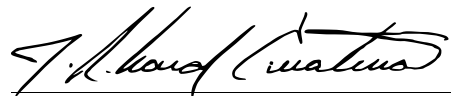
This matter is before the Court on petitioner's request for permission to file over-length briefing (Dkt. 8) and to extend the time in which to file a reply in support of his motion for declaratory relief. Dkt. 9. The motion for over-length briefing (Dkt. 8) is granted, and the motion for an extension of time (Dkt. 9) is denied, for the reasons set forth below.

Although petitioner initiated this matter by filing a motion for declaratory relief (Dkt. 7), after a show cause order from the Court, petitioner resubmitted this matter as a 28 U.S.C. § 2254 petition. *See* Dkt. 16. A habeas corpus petition may incorporate by reference a supporting brief. *See Dye v. Hofbauer*, 546 U.S. 1, 4 (2005). There is no particular page limitation for a petition

1 for writ of habeas corpus. The Court will accordingly consider the arguments raised in
2 petitioner's motion for declaratory relief (Dkt. 7) when considering the merits of petitioner's
3 petition for writ of habeas corpus, which incorporates his motion for declaratory relief by
4 reference. *See* Dkt. 16. The Court grants the request for overlength briefing, to the extent that
5 petitioner is requesting to have all the arguments raised in his motion for declaratory relief (Dkt.
6 7) considered when ruling on his habeas petition (Dkt. 16).

7 Petitioner also requests that the Court grant him a one-week extension of time in which to
8 file a reply brief in support of his motion for declaratory relief. Dkt. 9. Petitioner's request for
9 an extension of time is based on his assumption that he will have less than a week to draft a reply
10 to respondent's answer, under the briefing schedule applicable to a motion for declaratory relief.
11 *See* Dkt. 9, at 2. But because petitioner has now filed a habeas corpus petition, petitioner will in
12 fact have no less than two weeks to draft a reply to respondent's answer. *See* Dkt. 22, at 3 (the
13 answer will be noted for the fourth Friday after filing, with petitioner's reply due the Monday
14 before the fourth Friday). Therefore, petitioner's request for an extension is denied. The denial
15 is without prejudice to petitioner's ability to request a further extension of time, if necessary,
16 after respondent files the answer.

17 Dated this 8th day of December, 2020.

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21 J. Richard Creatura
22 United States Magistrate Judge
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